From: Jerry Callen
To: Microsoft ATR
Date: 11/5/01 10:21am
Subject: Concerns with proposed Microsoft settlement

I am writing to express concerns regarding the proposed settlement of the Microsoft antitrust case. In particular, the proposed settlement will not address the needs of so-called "open software" developers. It is precisely this audience that is in most need of reliefe and that offers the best counterbalance to Microsoft's operating system monopoly.

My specific concerns are:

1) Sections D and E of part III require that Microsoft disclose the middleware APIs and communications protocols required to interoperate with Microsoft operating systems and servers. However, disclosure is to be via "Microsoft Developer Network (MSDN) or similar mechanisms". MSDN is a subscription service; disclosure must be via a mechanism that:

   a) does not require any payment to Microsoft, and

   b) does not enable Microsoft to become aware that a potential competitor is interested in these APIs and protocols.

   The disclosure mechanism should be via an Internet Web sitre that is freely available without any registration requirement.

2) Section I requires that Microsoft license any intellectual property required by ISVs, IAPs, etc. to interoperate with Windows operating systems, but then goes on to state that the terms be "reasonable and non-discriminatory." In the "open source" development model, there is no organization that can sign and/or pay for the appropriate license. There must be a guarantee that open source developers can use any and all Microsoft intellectual property they required AT NO CHARGE. Anything less than this effectively stiffles open source development entirely.

3) Section J specifies that Microsoft need not disclose those portions of APIs or communications protocols "which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria". The inclusion of "encryption or authentication systems" in this statement makes it impossible for open source systems (such as Samba) to fully interoperate in a Windows domain, which relies upon proprietary extensions

to the public "Kerberos" security protocol.

Encryption & authentication experts are unanimous in their view that security must be based upon publicly-revealed, open protocols that can be examined by experts for flaws. Microsoft must be required to make full disclosure of its authentication & encryption protocols, not only to enable third party software to interoperate, but to insure that these protocols do their jobs and do not contain avoidable vulnerabilities.

The proposed settlement is unacceptable in its current form. As a programmer and consumer of open software, I urge you to correct these flaws prior to issuing the final settlement.

Sincerely,

Jerry Callen
63 Orchard Street
Cambridge, MA 02140
617-876-5330
jcallen@narsil.com